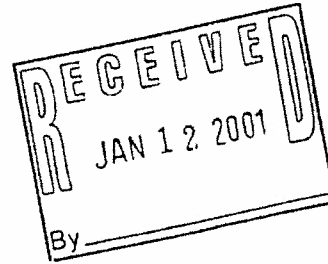


December 28, 2000



Mr. Robert J. McKiernan, Area Case Director
Case Management Division - Northeast
United States Department of Education
Region II
75 Park Place
New York, NY 10007

Dear Mr. McKiernan:

The College of New Jersey takes its responsibilities quite seriously when it comes to the safety and security of the campus community. With that responsibility always in mind, The College knows it is also held accountable by the greater community for keeping its statistics on campus crime available to anyone who might have a vested interest. It is with this long-term understanding of our obligations in mind that I write to you today.

As you know, two institutional review specialists from the United State Department of Education, Betty Coughlin and Thomas Whiting, visited The College of New Jersey from August 29 through 31, 2000 to conduct a review of our compliance with The Campus Security Act of 1990. This review was to commence on the basis of an anonymous source who submitted a complaint charging that The College failed to report three sexual assaults in the 1996-97 academic year.

In order to best accommodate the reviewers, The College conducted its own review prior to their arrival. In the opening conference before the review commenced, Kathryn Leverton, Director of Environmental Services, and Sherry Tarantula, Assistant Director for Campus Police Administrative Services, willingly disclosed that The College had misreported forcible sex offenses in two of the calendar years under review, 1996 and 1997. Reports were set aside and given to the reviewers with the further explanation that there had been several transitions in the administrative leadership of the Campus Police Department over the past several years. These leadership transitions negatively affected record keeping, especially in cases where employees had departed on less than amicable terms.

However, we are convinced that those shortcomings in record keeping have been addressed over the past year, and that several items outlined in the DOE report have already been voluntarily remediated. These items will be detailed later in this response.

The following items are respectfully submitted in response to the Program Review Report:

Finding Number 1 – Crime Statistics Not Accurately Disclosed in Annual Campus Security Report

Missing Reportable Sex Offenses

The report lists the finding of three cases of Forcible Sex Offenses in calendar year 1996: Reports Numbered 96-1620, 96-1925, and 96-7271, and then states that only two such sex offenses were included on the Campus Security Report. However, one of the cases mentioned (96-1620) was ultimately found to be a fictitious report, and was subsequently resolved. Hence, the reporting of only two incidents during that calendar year was correct.

In calendar year 1997, however, the Department is correct in stating there were two reported sexual assaults that year, which were not reflected in our Campus Security Report. The College agrees with this, and reiterates that it was not an intentional misrepresentation, but rather, as stated above, a record-keeping error.

Reconciliation Problems with Reported Data

The Department of Education alleges that much of the data as reported is in conflict with other reported data, specifically citing numbers included in the Campus Security Report, Uniform Crime Report (UCR) numbers, and actual crimes as noted on initial investigation reports. There are two examples, according to DOE, of reconciliation problems with reported data.

The first example referred to on page 6 of the report is two vehicle break-ins during which property was stolen. The allegation is that one case was categorized as a theft, while the other was categorized as a burglary. While these two cases (Reports 98-9140 and 97-13514) may appear at first glance to be similar, they are indeed different. As was explained to both reviewers while they were examining reports, different circumstances warrant the use of different criminal charges. The first incident, Report 97-13514, was a situation where a locked vehicle was forcibly broken into, and items stolen from within. Under the New Jersey Code of Criminal Justice, Section 2C:18-1 makes clear that the definition for burglary, which references "structures," includes cars. Therefore, if it is clear the car was secure and broken into, the crime may be classified as a burglary. In this case, a car window was broken to gain access to the car, clearly making for a forcible entry.

The second case referenced, 98-9140, represents much different facts. In this case, there were no signs of forcible entry to the car. The item stolen was taken from a locked compartment **within** the car itself. Thus, the taking of items from a locked compartment does not constitute forcible entry into a structure as defined in 2C:18-1, as referenced above. Theft was therefore a correct classification in this case.

Lastly, it was explained to the reviewers that while officers may record the crime on the investigation report, it is often reported on the UCR as another. This is done to conform with UCR standards, as mandated by the UCR reporting handbook. Specifically, this handbook makes reference to the fact that some states may consider breaking into an automobile a burglary, but that for UCR purposes these acts shall be considered thefts. The College of New Jersey followed this standard in the above mentioned case (97-13514), having reported it as a theft in the October 1997 UCR report. The College believes it correctly classified both of these incidents for UCR and Campus Security purposes.

In the second example under this category, the DOE attributes very serious errors made in crime classifications. The statement is made that the two cases referenced in this example should have been aggravated assaults. While indeed one should have been classified as an aggravated assault, The College disagrees with the assertion that the first case was incorrectly classified.

The first case referred to in this example is Report number 98-3020. The Department incorrectly refers to this as a "... case of a student hitting a police officer in the head with a club ..." Instead, this report refers to a security officer who was employed by The College at the time, but was working off-campus at a college-owned residence hall located on the property of the Marie Katzenbach School for the Deaf. On the evening in question, this security officer was asked to assist the Katzenbach security officer in responding to a suicide attempt of one of the Katzenbach School's students. He did so, and in the process, was hit with a tree branch. This particular incident happened outside of the TCNJ Police jurisdiction, and thus was not even eligible to be reported in our UCR, nor on the Campus Security Report. This was simply a case of our department offering assistance to another department, and unfortunately an officer got hurt in the process. Finally, even if this report were within the TCNJ police jurisdiction, a mentally ill student hitting a security officer with a tree branch could hardly be considered an aggravated assault, by UCR or NJ Criminal Code standards. The College again maintains that its classification was correct in this case.

The second crime in question, Report No. 98-3438, which was classified as "terroristic threats," should have instead been classified as aggravated assault since the perpetrator threatened to use a weapon. The College again readily accepts this finding, and is aware of the error.

Conflicts in Reported Data

This section of the report indicates that there are varying numbers for all offenses noted during all three years reviewed. However, the reviewers again neglect to point out that the three sources they note all follow different reporting standards. For example, in 1996, the DOE report (Page 6) shows there were three investigation reports on sex offenses, while the Campus Security Report only reports two, and there was only one reported in the UCR. As explained earlier, there were three initial investigation reports of forcible sex offenses during that calendar year. However, one was later found to be a false report,

thus showing why there were only two reported in the Campus Security Report. Secondly, as explained to the reviewers while they were on campus, the UCR has a very strict definition in terms of sex offenses. Only forcible rapes and attempts at forcible rapes are to be reported. One of the two remaining sexual assaults met this definition, and was therefore reported as such. However, the third assault in question (97-11758) did not meet the definition of rape, as the victim was digitally penetrated. Therefore, The College would have been incorrect to report this on its UCR, but was however mandated by the Campus Security Act of 1990 to disclose it in its security brochure, which it did.

While this is only one category in one of the three years noted, it is easy to extrapolate that to the rest of the classifications and years noted. There is a method in place to distinguish which crimes get reported to which agency and how, contrary to the assertions in the report. It was explained to the reviewers that a ranking officer extremely familiar with NJ Criminal Code, as well as UCR definitions, reviews the reports on a regular basis and prepares the UCRs as well.

REQUIREMENTS

The Department of Education outlined several requirements under Finding 1 in its report that The College will meet in the near future, or has already voluntarily remediated since the review in August.

First, the Department requires "... review of all investigation reports prepared by the Campus Police Department officers by a person familiar with the definitions included in the UCR Reporting Handbook, the UCR Reporting Handbook, NIBRS Edition, the UCR Hate Crime Data Collection Guidelines, and UCR Training Guide for Hate Crimes Data Collection to ensure that all crimes in the investigation reports are properly classified and reported." As explained earlier, this is already standard practice within the department. A senior officer, Lt. Julius Quinn, reviews all police reports and prepares the UCR reports. On a daily basis, he makes certain that crimes are classified correctly for prosecution purposes and that they are properly reported to the New Jersey State Police for UCR purposes.

Second, the DOE requires that summary records should be maintained to trace crimes reported on the Campus Security Report to the appropriate investigation reports. This adjustment to procedure has already been made, and is in effect from the 2000 version of the report forward.

Third, the DOE calls for reconciliations between the UCRs and the Campus Security Reports. Again, this is currently in place. On a monthly basis, investigation reports are reviewed before the preparation of UCR reports. Crimes are then reported on the UCR by the standard handbook definitions. UCR reports are used to prepare the Campus Security Report and reported crimes are compared.

Fourth, the DOE states that pertinent campus officials should be made aware of the reporting requirements and their responsibilities to the Campus Security Report. This

effort has already begun with the site visit by the Department, and is continuing. Even since the visit by the DOE reviewers, there has been significant reorganization within the areas necessary to keep this effort going. Health and Counseling Services lost its director, the Student Life Office has been completely reorganized, and there is a new College Disciplinary Officer. Sherry Tarantula, Assistant Director for Campus Police Administrative Services, will meet with these new personnel and discuss the ways in which they can better collaborate to provide security for our community and to make sure our crime reporting continues to improve.

Fifth, the DOE requires a formal reporting system be put in place to ensure that offices responsible for informing Campus Police of events pertinent to the Security Report are consistently doing so. Again, as stated above, this education and reporting system has already begun, and will be continued as an ongoing project between the Health and Counseling Services Department, the Student Life Office, and the Residence Life staff.

Finding Number 2 – Additional Information Omitted From Campus Security Report

The report indicates two areas in which information needs to be clarified or added. The two examples provided are the Campus Security Information Programs, and the Timely Warning Provision. Both areas have been clarified, and information added as discussed with the reviewers during the visit. A copy of the most recent version of the Campus Security Report is included, with the appropriate areas highlighted for emphasis.

The College of New Jersey has already made efforts to correct its acknowledged deficiencies noted in August. Upon the arrival of the two Department of Education reviewers, college officials readily disclosed that there were some discrepancies in the sex offense numbers discovered prior to the opening conference, and that it likely underreported such cases due to administrative error. It was made clear to the reviewers that these underreports were in no way efforts to deceive the public, but probably a result of high turnover within the department, and a lack of consistent bookkeeping from one administration to another.

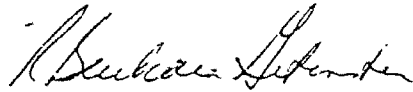
I feel it necessary, however, to note that the DOE review seemed to deviate from its original purpose, which was to examine the under-reporting of sexual assaults in the calendar years 1996, 1997 and 1998. In addition to examining facts relevant to this stated purpose, the reviewers seemed also to be making judgments in the area of The College's compliance with UCR reporting guidelines. As evidenced by the details in our response, particularly our repeated need to explain the way crimes are classified to the reviewers, it seems that this deviation was well informed. In fact, at the closing conference, Mr. Whiting stated that neither he nor Ms. Coughlin was knowledgeable on the topic of UCR classifications and campus crime in general until the previous week when they had obtained a handbook on the subject. To state such a fact and then call into question classifications by officers with years of experience seemed unusual.

The College of New Jersey would like to reiterate that it takes seriously its responsibilities to provide a safe and secure campus environment. The errors made in our attempt to

comply with the Campus Security Act were not intentional attempts to hide crimes, but rather honest mistakes that resulted from inconsistent record-keeping and high staff turnover. With this fact in mind, The College respectfully requests that the Department of Education accept this response as evidence that it has taken immediate corrective action in this important compliance matter. Further, please be advised that The College will continue to comply with the law to the fullest extent.

Thank you for your consideration of this response.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Barbara Gitenstein".

R. Barbara Gitenstein
President

attachment

xc: Barbara Kleva, Deputy Attorney General
Kathryn Leverton, Director of Environmental Services